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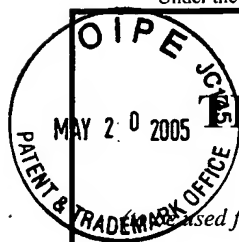
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PTO/SB/21 (6-99)

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# TRANSMITTAL FORM

Use for all correspondence after initial filing)

		Application Number	10/783,884
		Filing Date	February 19, 2004
		First Named Inventor	Randy Scott, et al.
		Group/Art Unit	1638
		Examiner Name	Unassigned
Total Number of Pages in This Submission	-----	Attorney Docket Number	39740-0007A

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version with Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Information Disclosure Statement and PTO-1449 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): 26 references submitted and a stamped return postcard.
<div>Remarks</div> <p><b>AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.</b></p>		

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	David C. Foster, Reg. No. 44,685 HELLER EHRMAN WHITE & McAULIFFE LLP		
Signature			
Date	May 6, 2005	Customer Number:	25213

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service via First Class Mail on the date indicated below and addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450			
Typed or printed name	Sandra Puljic		
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor application of:

Randy SCOTT, et al.

Application Serial No. 10/783,884

Filed: February 19, 2004

For: **USE OF INTRONIC RNA TO  
MEASURE GENE EXPRESSION**

) Examiner: Unassigned

) Art Unit: 1638

) Attorney's Docket No. 39740-0007A

) **Customer No. 25213**

DATE MAILED: MAY 6, 2005

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §1.97**

**MAIL STOP AMENDMENT**

Commissioner for Patents

PO Box 1450

Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication except U.S. patents and patent application publications (1276 OG 55), is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Form Supplemental PTO-1449 is enclosed and the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- ☒ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

☐ a certification as specified in §1.97(e) is provided below; or

☐ a fee of **\$180.00** as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and

C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of **\$0.00** and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. **08-1641 (Attorney's Docket No. 39740-0007A)**.

Respectfully submitted,

Dated: May 6, 2005

By: David C. Foster  
David C. Foster (Reg. No. 44,685)

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SV 2123213 v1

Form PTO-1449

Attorney's Docket No.  
39740-0007AApplication Serial No.  
10/783,884

Applicant(s)

Randy SCOTT, et al.

Filing Date:

February 19, 2004

Group Art Unit:

1638

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date (if appropriate)

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Translation	
							YES	NO
	1.	12/27/2002	WO 02/103320	Dai et al.	G01N			
	2.	06/07/2001	WO 01/40466	Baker et al.	C12N	15/12		
	3.	08/01/2002	WO 02/059377	Mack et al.	C12Q	1/68		
	4.	07/18/2002	WO 02/055988	Gish et al.	G01N			
	5.	09/27/2001	WO 01/70979	Lee et al.	C12N	15/12		
	6.	10/09/2003	WO 03/083096	Delaney et al.	C12N	9/12		
	7.	06/13/2002	WO 02/46467	Bertucci et al.	C12Q	1/68		
	8.	09/06/2002	WO 02/068579	Venter et al.	C12G			
	9.	01/21/1999	WO 99/02714	Billing-Medel et al.	C12/N	15/63		
	10.	09/21/2000	WO 00/55173	Rosen et al.	C07H	21/04		
	11.	08/31/2000	WO 00/50595	Gout et al.	C12N	15/12		
	12.	01/03/2002	WO 02/00677	Birse et al.	C07H	21/02		
	13.	01/31/2002	WO 02/08261	Botstein et al.	C07K	14/00		
	14.	01/31/2002	WO 02/08260	Botstein et al.	C12/N	15/52		
	15.	01/31/2002	WO 02/08282	Botstein et al.	C07K	14/47		
	16.	01/31/2002	WO 02/08765	Botstein et al.	G01N	33/574		
	17.	08/02/2001	WO 01/55320	Rosen et al.	C12N			

## OTHER DOCUMENTS

(including author, title, date, pertinent pages, etc.)

Examiner Initials	Ref. No.	Title
	18.	Clement <i>et al.</i> , "Localization and Stability of Introns Spliced from the <i>Penn</i> Homebox Gene", The Journal of Biological Chemistry, Vol. 276, No. 20, pp 16919-16930, 2001
	19.	Clement <i>et al.</i> , "The stability and fate of a spliced intron from vertebrate cells", RNA, Vol. 5, pp 206-220, 1999
	20.	Elliott <i>et al.</i> , "Yeast Pre-mRNA Is Composed of Two Populations with Distinct Kinetic Properties", Experimental Cell Research, Vol. 229, pp 181-188, 1996
	21.	Godfrey <i>et al.</i> , "Quantitative mRNA Expression Analysis from Formalin-Fixed, Paraffin-Embedded Tissues Using 5' Nuclease Quantitative Reverse Transcription-Polymerase Chain Reaction", Journal of Molecular Diagnostics, Vol. 2, No. 2, pp :84-91, May 2000
	22.	Lewin, Benjamin, <i>Genes IV.</i> , pp 810 and 812, Oxford University Press, Cell Press, Cambridge Mass. 1990
	23.	Padgett <i>et al.</i> , "Splicing of Messenger RNA Precursors", Ann. Rev. Biochem., Vol. 55, pp 1119-1150, 1986
	24.	Specht <i>et al.</i> , "Quantitative Gene Expression Analysis in Microdissected Archival Formalin-Fixed and Paraffin-Embedded Tumor Tissue", American Journal of Pathology, Vol. 158, No. 2, pp 419-429, 2001
	25.	Thomas <i>et al.</i> , "The 2-Kilobase Intron of the Herpes Simplex Virus Type 1 Latency-Associated Transcript Has a Half-Life of Approximately 24 Hours in SY5Y and COS-1 Cells", Journal of Virology, pp 532-540, January 2002

EXAMINER:

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EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

\*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).

Form PTO-1449		Attorney's Docket No. 39740-0007A	Application Serial No. 10/783,884
INFORMATION DISCLOSURE STATEMENT		Applicant(s) Randy SCOTT, et al.	
		Filing Date: February 19, 2004	Group Art Unit: 1638
(use several sheets if necessary)			
	26.	Wang <i>et al.</i> , "Regulation of insulin preRNA splicing by glucose", Proc. Natl. Acad. Sci. USA, Vol. 94, pp 4360-4365, April 1997	

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	
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